

**Form F52 Order Requiring Production of Documents etc. to the Fair Work Commission**

*Fair Work Act 2009, s.590(2)(c)*

*Fair Work Commission Rules 2013, Rule 54*

**FAIR WORK COMMISSION**

**Commission Matter No.: C2013/6333**

**Applicant: Independent Education Union of Australia**

**Respondent(s): Commonwealth of Australia as represented by the Department of Education, Employment and Workplace Relations; Australian Chamber of Commerce and Industry; Australian Childcare Centres Association; Australian Community Children's Services; Australian Community Services Employers Association, Union of Employers; Australian Federation of Employers and Industries; Association of Independent Schools of South Australia; The Association of Independent Schools of Tasmania Incorporated; Association of Independent Schools of Western Australia (Inc); Association of Quality Child Care Centres of NSW Inc; Australian Childcare Alliance Victoria; Childcare Queensland Inc; Childcare South Australia; Child Care Association of Western Australia; Community Connections Solutions Australia; Australian Municipal, Administrative, Clerical and Services Union-New South Wales and ACT (Services) Branch; NSW Business Chamber Limited; The Association of Independent Schools of New South Wales Limited T/A AISNSW; Catholic Commission for Employment Relations**

**TO:**

The Proper Officer  
Mornington Peninsula Shire Council

Pursuant to s.590(2) of the *Fair Work Act 2009* you are **ORDERED** to provide to the Fair Work Commission the documents, records and other information specified in the Schedule to this order before the Fair Work Commission at the following time, date and place:

Time: 4.00pm  
Date: Wednesday 25 April 2018  
Place: Terrace Tower, 80 William Street, East Sydney

Dated: 4 April 2018



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Vice President Hatcher

Note:

- This order has been issued at the request of the Australian Childcare Alliance Inc.
- You can apply to have this order set aside or varied.
- Instead of attending to provide the documents etc. covered by this order at the time and place specified above, you may produce them to an officer of the Commission at the place specified above not later than 4.00 pm on the day before the day mentioned above.
- If you have any queries in relation to this order please contact the associate to Vice President Hatcher on 02 9308 1812.

**SCHEDULE**

1. All documents recording or evidencing planning for the bargaining process for Mornington Peninsula Shire Council General Staff Enterprise Agreement 2017.
2. All documents recording or evidencing planning or preparing for meetings involving managers or other participants in the bargaining process for Mornington Peninsula Shire Council General Staff Enterprise Agreement 2017.
3. All documents recording or evidencing meeting minutes taken in the bargaining meetings for the Mornington Peninsula Shire Council General Staff Enterprise Agreement 2017.
4. All documents recording or evidencing the Mornington Peninsula Shire Council's strategy for the Mornington Peninsula Shire Council General Staff Enterprise Agreement 2017, including:
  - a. wages offers made in the course of bargaining in respect of Mr Thomas Haines Sutherland's position;
  - b. wages offers made in general;
  - c. wages position finally agreed;
  - d. the capacity for Mornington Peninsula Shire Council to pay these wages.
5. All documents recording or evidencing the remuneration received by Mr Haines Sutherland, including:
  - a. contract of employment;
  - b. payslips for the past three months;
  - c. remuneration policy that applies to Mr Haines Sutherland's employment.
6. All documents recording or evidencing the nature of the work including the position descriptions or job description however described of Thomas Haines Sutherland.
7. All documents recording or evidencing training undertaken by Thomas Haines Sutherland.
8. All documents recording or evidencing performance management and performance appraisals of Thomas Haines Sutherland.
9. All documents recording or evidencing the organisational chart displaying the position in which Thomas Haines Sutherland works.
10. All documents recording or evidencing:
  - a. the projects upon which Mr Haines Sutherland participated in the past two years;
  - b. total fees generated for the projects upon which Mr Haines Sutherland participated in the past two years.
11. All documents recording or evidencing the annual turnover of Mornington Peninsula Shire Council in the past 12 months.

12. All documents recording or evidencing the nature of the work performed by Thomas Haines Sutherland and other employees employed in his role, including the responsibilities, skills necessary to perform the responsibilities, and the position descriptions.
13. All documents recording or evidencing the specific day to day duties of engineers including any special tasks and more complicated tasks that may arise.
14. All documents recording or evidencing the conditions under which the work of Thomas Haines Sutherland is performed, for instance, whether the work involves outdoor work, working in hot or cold temperatures, wet work, etc.

In the above, “Document” means any document including, without limitation, any handwriting, correspondences, letter, facsimile transmissions, emails, printouts of emails, memoranda, notes, records, diaries, files, file notes, receipts, invoices, cheques, cheque butts, accounts, accounting records, letters of instruction, bank account statements, reports, witness statements, statutory declarations, affidavits, submissions, audio tapes, videotapes, analogue or digital sound or video recordings, computer printouts, computer disks and all other documents whatsoever whether stored electronically, optically or otherwise.